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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,605	01/16/2002	Stefan Karlinger	70436	1127

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SCARBOROUGH, NY 10510

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,605

Applicant(s)

KARLINGER, STEFAN

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 22 June 2002 has been considered for this Office Action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claims 13, 17 and 20 are objected to because of the following informalities:
 - Claim 13, line 3, "grove" should be replaced with --groove--.
 - Claim 17, line 2, "grove" should be replaced with --groove--.
 - Claim 20, line 1 "device" should be replaced with --clamping arrangement--.
 - Claim 20, line 3 "grove" should be replaced with --groove--.
- . Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Marinoni. (US 4,881,296).

A clamping element (8,14) comprises a machine part (4), a parallelogram sliding block (8), a cam rail (other part of 18 that is not 16) and a blocking member (16). The machine part has a grooved rail (6) with an under cut groove defining an insertion area and a groove base (Figs. 1-5 and 9). The insertion area is narrower than groove base (Figs. 1-5 and 9). The sliding block has side surfaces defining an insertion dimension (Figs. 2-9). The blocking member connected to the sliding block (Figs. 2, 3, 6 and 9). The blocking member has a stop face abutting at the cam rail for fixing the cam rail at the grooved rail to the machine part with the sliding block inserted into the groove base (Figs. 2, 3, 6 and 9).

Marinoni also discloses that:

- The side surfaces include first parallel side surfaces spaced apart by a distance substantially corresponding to a width of the undercut groove insertion area (Fig. 4).

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- The side surfaces include parallel side surfaces spaced apart by a distance substantially corresponding to a width of the groove base (Figs. 2-4 and 9).
- The blocking member has a blocking member groove (between the two cylindrical members) and the cam rail has a protruding portion (circular member protruding from other part of 18 that is not 16) extending into the blocking member groove for the positive lateral fixing of the cam rail to the blocking member (Fig. 6).

A device (8,14) fixes a cam rail (other part of 18 that is not 16) to a machine part (4). The device comprises a grooved rail (6), a parallelogram sliding block (8), a cam rail (other part of 18 that is not 16) and a blocking member (16). The grooved rail has an undercut groove defining an insertion area and a groove base (Figs. 1-5 and 9). The grooved rail is connection to or part of a machine part (Figs. 1-5 and 9). The insertion area is narrower than the groove base (Figs. 1-5 and 9). The sliding block has side surfaces defining an insertion dimension (Figs. 2-9). The blocking member connected to the sliding block (Figs. 2, 3, 6 and 9). The blocking member has a stop face abutting at the cam rail for fixing the cam rail at the grooved rail to the machine part with the sliding block inserted into the groove base (Figs. 2, 3, 6 and 9).

A clamping arrangement (8,14) fixes a cam rail (other part of 18 that is not 16) to a machine part (4). The clamping arrangement comprises a grooved rail (6), a sliding block (8), a cam rail (other part of 18 that is not 16) and a blocking member (16). The grooved rail has an undercut groove defining an insertion area and a groove base with side walls (Figs. 1-5 and 9). The grooved rail is connection to or part of a machine part (Figs. 1-5 and 9). The insertion area is narrower than the groove base (Figs. 1-5 and

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9). The sliding block has first side surfaces defining an insertion dimension that is narrower than the groove base of the grooved rail (Figs. 2-9). The sliding block has second side surfaces defining a fixation dimension (Figs. 2-9). The cam rail has a cam rail engagement face and cam rail stop face (Fig. 6). The blocking member connected to the sliding block (Figs. 2, 3, 6 and 9). The blocking member has a stop face abutting the cam rail stop face and having an engagement face abutting the cam rail engagement face for fixing the cam rail at the grooved rail of the machine part with the sliding block member inserted into the groove base with the second side surfaces engaging the side walls (Figs. 2-9).

Response to Arguments

6. Applicant's arguments filed 21 July 2003 have been fully considered but they are not persuasive.

7. The first argument presented by the Applicant is directed to having new claims with a combination of a cam rail and a machine part. The Applicant argues that the prior art used for the rejection of the original claims fails to include such a combination. The Examiner fails to be persuaded by such an argument. The disclosure and the claims fail to provide any structural limitation outside of the elements required for the connection of the machine part and the cam rail that would preclude the Examiner from using the reference by Marinoni. The terms "machine part" and "cam rail" as used in the disclosure and the claims are considered labels and the Applicant is reminded that

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where there is physical identity between the subject matter of the claim and the prior art, the label given to the claimed subject matter does not distinguish the invention over the prior art. In re Pearson, 494 F. 2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974); In re Lemin, 326 F. 2d 437, 140 USPQ 273 (CCPA 1964). Additionally, Marinoni only discloses the use of the connector between a frame part and a door or a window.

Marinoni fail to disclose that this door or window is used in a building or to that fact to any particular structure. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to the frame being part of a machine that has a door or window since the use of door or windows in a machine is well known in the art to limit access to the different components or moving parts of the machine.

8. The next argument presented by the Applicant is directed to the combination of Marinoni and Ishikawa et al. for the rejection of claims 5, 6, 11 and 12. These arguments are not considered moot since the claims are only being rejected as being anticipated by Marinoni.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the prior art reference are displaceable by applying a weak force) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Finally, the Applicant recites that "The references as a whole fail to teach and fail to suggest a blocking element connected to a sliding block with a blocking element

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having a stop face or stock face which is in contact with a cam rail to fix the cam rail at the at least one rail". This argument fails to persuade and will not be taken into consideration since no additional details have been provided by the Applicant to support this position outside of the previous arguments and the rejection clearly identifies all the elements being recited in the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Kindorf (US 2,676,680 and US 2,784,812), Attwood (US 3,053,355), Cote (US 3,208,560), Priest (US 3,813,179), D'Alessio (US 4,430,019), Rebentisch (US 4,784,552), Kowalski (US 5,067,863), Rinderer (US Re. 36,681), Lieger (US 6,331,092 B1) and French Patent Document FR 2 639 411 are cited to show state of the art with respect to clamping element having some of the features of the current application.

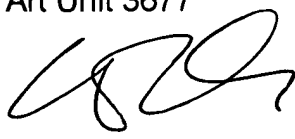
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677



William Miller
Primary

ReR
rcf

July 31, 2003